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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,873	06/26/2003	Robert S. Bosko	L-0170.96	5255

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/606,873		BOSKO, ROBERT S.	
	Examiner		Art Unit	
	Matthew O. Savage		1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,36-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) 2,6,7,38,41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 8, 36, 37, and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 8, 36, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Hisada et al view of McGowan.

With respect to claim 1, Hisada et al discloses a method of cleansing a filter 1 including passing water from a water source through a filter producing filtered water (see lines 6-18 of col. 14), providing a source of purified water (e.g., filtered water from the permeate side of the reverse osmosis membrane, see FIG. 6 and lines 35-49 of col. 14), the purified water having a lower total dissolved solids reading than the water being filtered since a reverse osmosis filter can remove up to 99% dissolved minerals from water, and exposing the filter to the purified water (e.g., via backwashing as shown in FIG. 6 with the permeate). Hisada et al fail to specify delivering the filtered water to an end use device. McGowan discloses the concept of delivering a filtered fluid to an end use device in the form of "outside systems" via conduit 26 and valve 36 (see lines 15-18 of col. 4) and teaches that such a step enables use of the filtered water. It would have been obvious to have modified the method of Hisada et al so as to have included the step of delivering the filtered water to an end use device as suggested by Hisada et al in order to make use of the filtered water.

Concerning claim 2, Hisada et al discloses a filter cartridge 1.

As to claim 5, Hisada et al discloses purified water having a total dissolved solids reading of at least 50% less than the water being filtered since a reverse osmosis filter can remove up to 99% dissolved minerals from water.

Concerning claim 8, Hisada et al discloses backwashing the filter with purified water (e.g., permeate, see FIG. 6 and lines 35-49 of col. 14).

With respect to claim 36, Hisada et al disclose a method for back flushing a filter 1 including flowing water from a water source 51 (see FIG. 4) through a primary flowpath in a filtered flow path 52, providing a source of purified water from the filter having a lower total dissolved solids reading than the water being filtered (e.g., the purified water being filtered water from the reverse osmosis filter 1 that can remove up to 99% of the total dissolved solids from water), providing a secondary flow path allowing purified water into the filtered flow path (see FIG. 6), and flowing the purified water in the secondary flow path, wherein the secondary flow path allows the purified water to flow backwards through the filter for a predetermined interval to remove or dissolve filtered media or unclog a filter in the primary flow path (see FIG. 6. and lines 35-49 of col. 14). Hisada et al fails to specify the steps of delivering filtered water to an end use device, a) switching an inlet valve, a drain valve, and a flush valve in a filtered flow path from a primary flow path used for dispensing operations to a secondary flow path, therein and c) switching the inlet valve, the drain valve, and the flush valve from the secondary flow path to the primary flow path to resume the delivery of filtered water to an end use device. McGowan discloses a method of backwashing a filter including

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the steps of delivering filtered water to an end use device in the form "outside systems" (see lines 15-18 of col. 4, a) switching an inlet valve 22, a drain valve 46, and a flush valve 36 in a filtered flow path from a primary flow path to a secondary flow path, therein and c) switching the inlet valve 22, the drain valve 46, and the flush valve 36 from the secondary flow path to the primary flow path to resume the delivery of filtered water to the end use device (see FIG. 1.). McGowan teaches that such a method allows use of the filter water as well as operation of the filter system from a single pneumatic control panel 24. It would have been obvious to have modified the method of Hisada et al so as to have included the method steps of switching an inlet valve, a drain valve, and a flush valve as suggested by McGowan in order to enable use of the filtered water as well as operation of the filter system from a single pneumatic control panel.

Concerning claim 37, McGowan discloses repeating steps c-e to provide continued cleansing of the filter medium (see from line 60 of col. 3 to line 3 of col. 5).

As to claim 39, Hisada et al discloses purified water having a total dissolved solids reading of at least 50% less than the water being filtered since a reverse osmosis filter can remove up to 99% dissolved minerals from water.

Concerning claim 40, Hisada et al discloses backwashing the filter with purified water (e.g., permeate, see FIG. 6 and lines 35-49 of col. 14).

Applicant's arguments filed 1-25-06 have been fully considered but they are not persuasive.

Applicant argues that Hisada et al fails to disclose backwashing a filter with purified water, however, it is held that Hisada et al discloses such a step since the reference teaches backwashing a reverse osmosis membrane/filter with permeate, the permeate being considered filtered/purified water since it has a lower total dissolved solids content than the water being filtered.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

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Matthew Savage

Matthew O Savage

Primary Examiner

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April 5, 2006